

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 3, 5, 7-9, 11, 12, 14-24, and 26-30 are pending in this application.

In the outstanding Office Action, Claims 1, 3, 5, 7, 8, 11, 12, 14-24, and 26-30 were rejected under 35 U.S.C. §102(b) as anticipated by Hill et al. (U.S. Patent No. 6,236,981; hereinafter “Hill”); and Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over Hill in view of Van Berkel et al. (U.S. Patent Publication No. 2002/0190964; hereinafter “Van Berkel”).

Independent Claim 1 is directed to an information processing device including, *inter alia*:

...presenting means for presenting by wireless communication user information to be read or changed by a music reproduction device, said user information includes music preference information indicating music preferences of said user, and said user information is updated on a basis of a history of use of contents provided from said music reproduction device;

specifying means for specifying permission to read or change the user information presented by said presenting means;

identifying means for identifying said music reproduction device;

storing means for storing the user information read or changed by said music reproduction device identified by said identifying means in association with said music reproduction device; and

communicating means for transmitting said user information by quasi-electrostatic field communication, electromagnetic wave communication, or optical communication directly between said information processing device and said music reproduction device,

wherein said preference information is transmitted to said music reproduction device, and said music reproduction

device is configured to select music and reproduce said music based on said music preference information.

Independent Claims 12, 14, 15, 24, and 26-28 recite substantially similar features as Claim 1. Thus, the arguments presented below with respect to Claim 1 are also applicable to Claims 12, 14, 15, 24, and 26-28.

Page 12 of the Office Action issued on November 30, 2010, in the rejection of former Claim 31, acknowledges that Hill “does not teach information being music preference information and said other information device is a music reproduction device that is configured to reproduce music based on said music preference information.”

In the outstanding Office Action, page 2, the Office Action asserts that a music production device corresponds to “payment token from user to merchant platform, column 2, lines 11-12” of Hill. Hill states in column 2, lines 1-12:

According to a first aspect of the present invention, there is provided a method of operating a digital payment transaction system comprising:

...

- c) transferring a payment token from the user to a merchant platform . . . .

That is, Hill is directed to a digital payment transaction system as described in column 1, lines 5-6. Hill further states in column 13, lines 13-17:

The payer is responsible for handling requests for payment tokens. It receives requests from the network and decides whether to honour them. This decision is based on a number of factors, including user input, the number of tokens remaining and the history of previous transactions. FIG. 7 gives a flow diagram for the payer.

That is, Hill does not describe a music reproduction device. Nor does Hill describe music preference information indicating music preferences of a user. That is, Hill is not directed towards a device related to music. Therefore, Hill does not describe or render obvious the features of Claim 1 quoted above including the presenting means, the specifying

means, the identifying means, the storing means, the communicating means, or wherein said preference information is transmitted to said music reproduction device, and said music reproduction device is configured to select music and reproduce said music based on said music preference information. Thus, it is respectfully submitted that Hill does not anticipate Claim 1. Nor does Hill anticipate the substantially similar features recited in independent Claims 12, 14, 15, 24, and 26-28.

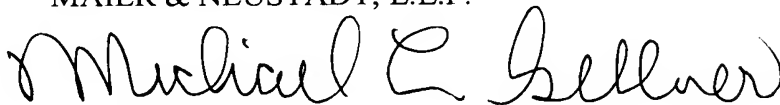
Thus, Applicants respectfully submit that independent Claims 1, 12, 14, 15, 24, and 26-28 (and all claims depending thereon) patentably distinguish over Hill. Further, Applicants respectfully submit that Van Berkel fails to cure any of the above-noted deficiencies of Hill.

Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, L.L.P.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/09)

Michael L. Gellner  
Registration No. 27,256